

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff.

vs.

**SIX THOUSAND SIX HUNDRED  
SEVENTY SIX (\$6,676) DOLLARS  
IN UNITED STATES CURRENCY;  
et al,**

Defendants.

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Case No: 1:08-CV-0026-WKW

**ANSWER TO VERIFIED COMPLAINT FOR FORFEITURE IN REM**

*COMES NOW* Claimant Richard Lavon Durr, by and through his undersigned attorney and in answer to the Verified Complaint For Forfeiture In Rem filed in this case, says the following:

1. No reply is required to the Government's statement of the nature of this action .
2. Claimant denies the defendant property is due to be forfeited, but admits the Governments authority to pursue forfeiture and this Court's jurisdiction over the matters alleged.
3. Claimant does not contest venue of the proceeding, but denies any act or omissions sufficient to support the forfeiture occurred within the Middle District of Alabama.
4. Admitted.
5. As to the facts set forth in paragraph five of the Government's complaint, and each sub-paragraph thereof, Claimant states the following:
  - a. Claimant has insufficient knowledge or information to support a response to the actions of the law enforcement officers, any alleged confidential informants or other persons named in the complaint other than himself;
  - b. Claimant has insufficient knowledge or information to support a response to the

mental operations of the law enforcement officers, any alleged confidential informants or other persons named in the complaint other than himself;

c. Claimant denies all allegations of criminal activity involving himself and demands strict proof thereof;

d. Claimant denies the defendant property is the proceeds of illegal drug activity;

e. Claimant denies the defendant property was or was intended to be used in the furtherance of the violation of any controlled substance laws of the United States or the State of Alabama;

f. Claimant admits he filed claims asserting ownership of the defendant property;

g. Claimant admits the allegations regarding his arrest, detainment and bond requirements.

6. No answer is required to paragraph six.

7. Claimant denies the allegations contained in paragraph seven and demands strict proof thereof.

8. Claimant denies the allegations contained in paragraph eight and demands strict proof thereof.

#### **AFFIRMATIVE DEFENSES**

A. The defendant property was seized without a warrant, without probable cause and/or in violation of the Fourth Amendment to the United States Constitution.

B. Any statements attributed to Claimant were obtained in violation of Miranda, the Fourth Amendment to the United States Constitution and were not knowingly and voluntarily given.

C. All evidence gathered after the illegal search(es) and seizure(s) are due to be suppressed.

Respectfully submitted,

**s/ Derek E. Yarbrough**

**Derek E. Yarbrough**

Bar Number: ASB-6664-R63D

**Attorney for Claimant**

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2008, the foregoing was filed on behalf of Richard Lavon Durr with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**Leura G. Canary**

U.S. Attorney's Office  
P.O. Box 197  
Montgomery, AL 36101-0197  
Telephone: 334-223-7280  
Facsimile: 334-223-7560  
[leura.canary@usdoj.gov](mailto:leura.canary@usdoj.gov)

**John T. Harmon**

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P.O. Box 197  
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[john.harmon@usdoj.gov](mailto:john.harmon@usdoj.gov)

and a copy has been mailed by United States Postal Service to the following non-CM/ECF participants: None

**s/ Derek E. Yarbrough**  
**Derek E. Yarbrough**